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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,990	01/23/2001	Diane R. Hammerstad	10005378-1	4199

7590 09/23/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

3622

DATE MAILED: 09/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,990

Applicant(s)

HAMMERSTAD, DIANE R.

Examiner

John L Young

Art Unit

3622



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

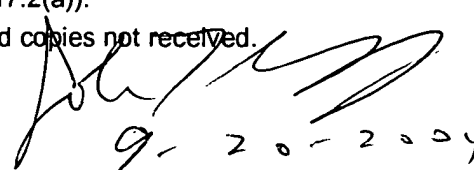
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER



9-20-2004

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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SECOND ACTION REJECTION

(Paper# 9/20/2004)

DRAWINGS

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §101

2. **Rejections Withdrawn.**

CLAIM REJECTIONS — 35 U.S.C. §103(a)

3. **Rejections Maintained.**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-16 are rejected under 35 U.S.C. §103(a) as being obvious over Alberts 5,937,392 (8/10/1999) (herein referred to as "Alberts").

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As per independent claim 1, Alberts (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 6a; FIG. 6b; col. 1, ll. 5-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-52) implicitly shows all the elements and limitations of claim 1.

Alberts lacks explicit recitation of the phrase “storing said subscriber advertising profile at the server. . . .”; however,

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Alberts (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 6a; FIG. 6b; col. 1, ll. 5-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-52; and particularly col. 1, ll. 55-65; and col. 4, ll. 10-26) implicitly shows “storing said subscriber advertising profile at the server. . . .” and it would have been obvious to modify and interpret the disclosure of Alberts cited above as implicitly showing “storing said subscriber advertising profile at the server. . . .”, because modification and interpretation of the cited disclosure of Alberts would have provided means that “*allows ads to be served in a highly flexible and accurate manner a desired number of times throughout the day. . . .*” (see Alberts (col. 2, ll. 30-40), based on the motivation to modify Alberts so that “*ads can be served based on different triggering events, such as the location of the user the type of information being accessed by the user, or the categories accessed. . . .*” .” (see Alberts (col. 2, ll. 30-40).

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As per dependent claims 2-8, Alberts shows the method of claim 1 and subsequent base claims depending from claim 1.

Alberts (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 6a; FIG. 6b; col. 1, ll. 5-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-52) implicitly shows all of the elements and limitations of claims 2-8; however,

Alberts lacks explicit recitation of some of the elements and limitations of claims 2-8.

"Official Notice" is taken that both the concepts and the advantages of all of the elements and limitations of claims 2-8, were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Alberts cited above as showing all of the elements and limitations of claims 2-8, because modification and interpretation of the cited disclosure of Alberts would have provided means that *"allows ads to be served in a highly flexible and accurate manner a desired number of times throughout the day. . . ."* (see Alberts (col. 2, ll. 30-40), based on the motivation to modify Alberts so that *"ads can be served based on different triggering events, such as the location of the user the type of information being accessed by the user, or the categories accessed. . . ."* (see Alberts (col. 2, ll. 30-40).

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Independent claim 9 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 10-16, Alberts shows the method of claim 9 and subsequent base claims depending from claim 9.

Alberts (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 6a; FIG. 6b; col. 1, ll. 5-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 1-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-52) implicitly shows all of the elements and limitations of claims 10-16; however,

Alberts lacks explicit recitation of some of the elements and limitations of claims 10-16.

"Official Notice" is taken that both the concepts and the advantages of all of the elements and limitations of claims 10-16, were well known and expected in the art by one of ordinary skill at the time of the invention because; for example, it would have been obvious to modify and interpret the disclosure of Alberts cited above as showing all of the elements and limitations of claims 10-16, because modification and interpretation of the cited disclosure of Alberts would have provided means that *"allows ads to be served in a highly flexible and accurate manner a desired number of times throughout the day. . . ."* (see Alberts (col. 2, ll. 30-40)), based on the motivation to modify Alberts so that *"ads can be served based on different triggering events, such as the location of the user the type of information being accessed by the user, or the categories accessed. . . ."* (see Alberts (col. 2, ll. 30-40)).

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RESPONSE TO ARGUMENTS

5. Applicant's arguments (Amendment paper# 6/10/2004) have been fully considered but they are not persuasive for the following reasons:

Applicant's arguments are moot based on new grounds of rejection introduced by the Examiner in the instant Office action.

CONCLUSION

6. Any response to this action should be mailed to:

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Serial Number: 09/768,990

(Hammerstad)

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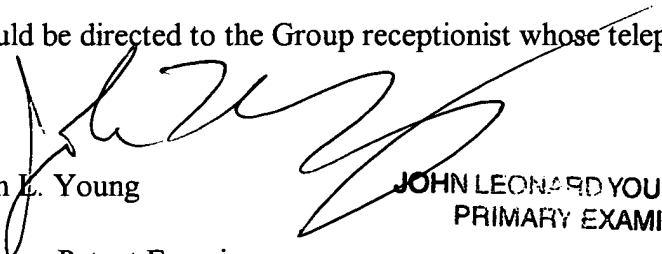
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

Primary Patent Examiner



JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

September 20, 2004